

SENATE BILL 117

M3

2lr0063

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)**

Introduced and read first time: January 18, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Water Appropriation Permits – Construction Dewatering**
3 **Projects**

4 FOR the purpose of authorizing the Department of the Environment to waive the
5 notice and hearing requirements for water appropriation or use permit
6 applications for construction dewatering projects; making certain stylistic
7 changes; and generally relating to water appropriation or use permits for
8 construction dewatering projects.

9 BY repealing and reenacting, with amendments,
10 Article – Environment
11 Section 5–506
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2011 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Environment**

17 5–506.

18 (a) Upon application for a permit under this subtitle, and except as otherwise
19 provided in this section, the procedures in § 5–204 of this title shall apply.

20 (b) Under the following conditions, the Department may waive the notice
21 requirements and the holding of a public informational hearing on a permit
22 application:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) If there is an emergency or a request to make minor repairs, the
2 Department, upon written or oral application, may grant an application to repair any
3 reservoir, dam, or waterway obstruction without notice or hearing. Repair necessary to
4 save life or property may be made without an application, but notice shall be given
5 promptly to the Department;

6 (2) If plans of other projects which conform to water resources
7 development plans accepted and adopted by the Department were subject to public
8 hearing, and the Department's review finds no changed conditions in them since the
9 last public review and comment to justify another hearing;

10 (3) If temporary structures constructed to provide access across
11 streams during construction operations or to trap sediment or achieve another similar
12 purpose meet minimum design standards the Department establishes, and are
13 removed completely, in a manner acceptable to the Department, within 6 months after
14 need for the structure is terminated;

15 (4) If the requested waterway construction permit is for temporary
16 excavation, filling, or grading for the installation of utilities which meet minimum
17 design standards acceptable to the Department and preconstruction contours which
18 are to be reestablished upon installation of the utility;

19 (5) If the requested waterway construction permit is for clearing and
20 grading activities disturbing less than 5,000 square feet of land area and disturbing
21 less than 100 cubic yards of earth; or

22 (6) If the requested waterway construction permit is for livestock
23 crossing of a stream.

24 (c) If contiguous property owners and interested persons who receive
25 periodic reports are notified under § 5-204 of this title, the Department may waive the
26 notice requirements of this section and the holding of a public informational hearing
27 on a permit application for roads, bridges, or culverts if they meet minimum design
28 standards acceptable to the Department and construction does not adversely affect
29 known water resources projects.

30 (d) The Department shall waive notice requirements and the holding of a
31 public hearing if the requested appropriation or use of waters of the State is for an
32 agricultural use in effect prior to July 1, 1993.

33 (e) Notwithstanding any other requirement of this section:

34 (1) The Department may waive the notice **AND HEARING**
35 requirements of this section [and the holding of a hearing] if the [requested]
36 appropriation [or use of waters of the State] **REQUESTED** is for [an]:

1 **(I)** AN average annual water use of 10,000 gallons per day or
2 less; **OR**

3 **(II)** A CONSTRUCTION DEWATERING PROJECT; and

4 (2) The Department may waive the holding of a public informational
5 hearing if the requested appropriation or use of waters of the State is greater than an
6 average annual water use of 10,000 gallons per day but less than an average annual
7 water use of 50,000 gallons per day.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2012.